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Agenda item 5

STATUS OF PREPARATION OF PUBLICATIONS, STUDIES AND DOCUMENTS FOR THE WORLD CONFERENCE

Note by the Secretariat

Addendum

Contribution by the Coalition against Trafficking in Women-Asia

1. The attention of the Preparatory Committee is drawn to the attached statement, entitled "Women Empowering Women", presented by the Coalition against Trafficking in Women-Asia, a non-governmental organization in consultative status (category II). It represents a proposal for a new convention on the elimination of all forms of sexual exploitation of women. The statement was adopted by the Human Rights Conference on the trafficking in Asian Women, held in Manila from 1-4 April 1993 to develop strategies to stop the alarming trends in the global trafficking of Asian women for sex, prostitution and bonded labour.

2. The Conference developed an Asian perspective to guide understanding of the problem of sex trafficking in women, while recognizing the particular and local specificities within and among diverse Asian cultures and nations. The Conference participants resolved, inter alia, to declare these violations of women's human rights as human rights violations for which States should be held accountable and to ask the United Nations to take the appropriate measures to respond to this problem by adopting the attached Convention.

A PROPOSAL FOR A NEW CONVENTION

CONVENTION ON THE ELIMINATION OF ALL FORMS OF SEXUAL EXPLOITATION OF WOMEN

Introduction:

Witnessing the massive proliferation of prostitution globally, especially the dramatic increase in trafficking in women, and recognizing that these abuses are perpetrated by international sex industries that promote the legitimization of prostitution and pornography, UNESCO and the Coalition Against Trafficking in Women (an NGO in Consultative Status with ECOSOC of the U.N.) launched a project in 1991 to examine international human rights instruments in terms of their ability to confront the current crisis in sexual exploitation of women.

Noting the increasing pornographic sexualization of women and the resulting promotion of sexuality based on the dehumanization, objectification, and brutalization of women, a Working Group met at Penn State University in 1991 to analyze the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. It concluded that worldwide sexual exploitation is the foundation of human rights violations of women in prostitution, through pornography and in all forms of sexual abuse and violence. Therefore the Working Group and UNESCO then sponsored a series of meetings of experts to develop a new Convention on the Elimination of All Forms of Sexual Exploitation of Women.

Convention Proposal

Definition of Sexual Exploitation :

Sexual exploitation is a practice by which women are sexually subjugated through the abuse of their sexuality and/or violation of their physical integrity as a means of achieving power and domination including gratification, financial gain and/or advancement whether personal or collective.

Sexual exploitation violates human dignity and equal rights constituting cruel, inhuman and degrading treatment. Sexual exploitation inflicts grave harm on women and aggravates the harm of other existing inequalities often taking the form of sexual slavery, torture, mutilation and death. Prostitution, according to the United NAtions is "incompatible with the dignity and worth of the human person," therefore there is no "right to prostitute." Sexual exploitation of any woman is the sexual degradation of all women, depriving women of freedom of movement, and threatening women's safety and security, thus creating the conditions of sexual terrorism. Sexual exploitation is institutionalized in industries and businesses and has increasingly become an instrument of national and international policies and practices which have deprived women of their human rights.

Sexual exploitation takes the form of denial of life through female infanticide, murder of women by reason of their gender, including wife/widow murder, woman battering, pornography, prostitution, genital mutilation, female seclusion, dowry and bride price, sexual harassment, rape, incest and sexual abuse and torture including sadistic and mutilating practices. Therefore State Parties shall punish perpetrators of sexual exploitation and redress the wrongs done to their victims through penal, civil, labor and administrative sanctions. It is an aggravating circumstance and not a defense of sexual exploitation that the perpetrator is the husband, father, other relative or employer of the victim.

Legislation and Sanctions :

Rejecting distinctions between "free" and "forced" prostitution as legitimizing prostitution, the Convention recognizes that the act of prostitution is sexual exploitation. It is the use of a woman's body as a commodity to be bought and sold, exchanged not always for money. It includes casual prostitution , brothels, military prostitution, pornography, sex tourism, and mail-order bride markets.

States Parties agree to punish any person who procures, entices or leads away for the purposes of prostitution, another person, even with the consent of that person; exploits the prostitution of another person, even with the consent of that person; keeps or manages, or knowingly finances or takes part in financing of a brothel; knowingly rents or lets a building or other place thereof for the purposes of prostitution.

Furthermore, States Parties reject any policy or law that legitimizes prostitution of any person, male or female , adult or child, so - called "first or third world;" that distinguishes between free and forced prostitution; or that legalizes or regulates prostitution in any way as a profession or occupation. States Parties will adopt appropriate legislation that recognizes prostitution as an acute form of sexual exploitation and penalizes the customers, recognizing them as perpetrators to be criminalized while rejecting any form of penalization of the prostitute. Recognizing that the pornography industry enlarges the demand for, promotes and is actively engaged in sexual exploitation, States Parties shall enact regulations that hold liable the producers and distributors of pornography.

Recognizing that global industrialization of prostitution, is both a consequence of sex discriminatory economic development policies, and is the basis of unofficial economic development in some regions, States Parties shall reject policies and practices of economic development that channel women into conditions of sexual exploitation, eroding women's traditional economic base where it has existed. They shall insure that economic development policies provide for the full economic development of women through their full integration into dignified paid labor at a decent standard of living from which they have been deprived of through sexual exploitation including especially prostitution. Therefore they shall prohibit sex tourism and penalize those who organize it as procurers and promoters of prostitution (pimping) in both the countries from which customers travel and the countries to which they go for sex tourism.

This convention recognizes that there are certain types of work in the immigration process, such as domestic labor and entertainment, that are conducive to sexual exploitation and may lead to prostitution. State Parties shall take all appropriate measures to provide victims of sexual exploitation including prostitution and traffic in women with refuge and protection and to repatriate those who desire to be repatriated. Refugee status shall be granted to all victims of sexual exploitation, whether entering the country legally or illegally. Employers who sexually exploit women in the migrating process will be held criminally liable. States Parties will insure that valid written contracts of employment are entered into and provide for the monitoring of the provisions of those contracts. States Parties will protect the right of all women to retain their own passports and travel documents to help

prevent any woman from being sold into prostitution or sexually used by another person.

Furthermore, persons or enterprises will be prohibited from promoting, profiting from, or engaging in any business involving the matching of women in marriage to foreign nationals on a mail-order basis (mail-order bride selling.) To prevent sexual exploitation in prostitution on and around military bases, military personnel will be prohibited from engaging in the prostitution of women and children in communities where bases are located. Special observers will be designated to prevent the sexual exploitation of women and children in refugee camps and special provisions will be enacted to protect women from sexual exploitation during wartime including ethnic conflict, civil war, and foreign intervention.

Support Services:

Recognizing that sexual exploitation is injurious to women's physical and mental health and well-being and constitutes a major health problem for women, State Parties will provide specialized health services, fund centers for prostitution alternatives that are voluntary and confidential and provide treatment and testing for STDs and HIV, substance abuse rehabilitation, counseling, day care, housing, income support, preferential access to credit loans to begin small scale business, skills training programs.

Support will be provided to create and establish services for victims of sexual exploitation including prostitution such as shelters in which women primarily work with those women who have been exploited to provide alternatives.

Implementation:

Consistent with the approach taken with respect to implementing human rights conventions, the United Nations will establish a Committee to implement this convention. This Committee on the Elimination of Sexual Exploitation which will authorized to make confidential inquiries into any reliable accounts of systematic sexual exploitation as defined above and to submit to the State Party concerned its findings with the aim of reaching equitable solution. The Committee on the Elimination of Sexual Exploitation may receive and review individual complaints from victims of sexual exploitation which it will bring to the attention of the concerned State Party. The State Party will be required to respond within six months.

Revision March 1, 1993
Draft

CONVENTION ON THE ELIMINATION OF ALL FORMS OF SEXUAL EXPLOITATION OF WOMEN

Preamble

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and unalienable rights of all members of the human family without distinction as to sex is the foundation of freedom, justice, and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance, of human rights and fundamental freedoms,

Having regard to Article 3 of the Universal declaration of Human Rights and Articles 6 and 9 of the International Covenant on Civil and Political Rights, both of which affirm the right of all persons to life, liberty and the security of persons,

Having regard to Article 4 of the Universal Declaration of Human Rights and Article 8 of the International Covenant on Civil and Political Rights, both of which prohibit slavery and the slave trade in all its forms,

Having regard to Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights both of which recognize the right of all persons to be free from cruel, inhuman or degrading treatment or punishment,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein without discrimination of any kind, including distinction based on sex,

Noting that States Parties to the International Covenant on Civil and Political Rights undertake to secure the equal rights of women and men to enjoy all economic, social, cultural, civil and political rights,

Having regard to the 1949 Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others which states that prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family, and the community,

Recognizing that the Convention Against Torture prohibits cruel, inhuman and degrading treatment or punishment,

Having regard also the Convention on the Elimination of all Forms of Discrimination Against Women which obligates States Parties to take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of traffic in women,

Having regard also the Convention on the Rights of the Child which obligates States Parties to protect the child from all forms of sexual exploitation and sexual abuse and obligates the States Parties to take all appropriate national, bilateral and multilateral measures to prevent (a) the inducement or coercion of a child to engage in any unlawful sexual activity, (b) the exploitative use of children in prostitution or other unlawful sexual practices and (c) the exploitative use of children in pornographic performances and materials,

Noting that the General Assembly , in the **International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families,** reaffirmed the principles and standards sex forth in the basic instruments regarding the international protection of human rights,

Concerned that women's human rights are seriously threatened by the massive and growing sexual exploitation of women,

Recognizing that sexuality is integral to the human being and that women have the right to sexual integrity and autonomy,

Recognizing further that sexual exploitation, including prostitution , abrogates these rights and subordinates women as a group, and therefore in violating human dignity and the right of equality,

Concerned that sexual exploitation inflicts grave harm and often takes the extreme forms of sexual slavery, torture, mutilation and death,

Concerned that sexual violence and prostitution are not inevitable but are forms of sexual exploitation,

Recognizing that the sexual exploitation of any woman is the sexual degradation of all women, deprives women of freedom of movement, and threatens women's safety and security, thus creating the conditions of sexual terrorism.

Concerned that human sexual exploitation, including prostitution, has increasingly become an integral part of national practices which have deprived women of their human rights,

Recognizing the need for a new convention that will affirm and expand the definitions of sexual exploitation which includes violence against women and prostitution as a violation of women's human rights,

Considering that there is no convention presently in existence which addresses sexual exploitation of adults,

Desiring to make more effective the struggle against sexual exploitation,

Have agreed as follows:

PART I

GENERAL PROVISIONS

Article 1

For the purposes of this Convention, sexual exploitation is a practice by which women are sexually subjugated through abuse of women's sexuality and/or violation of physical integrity as a means of achieving power and domination including gratification, financial gain, advancement.

Article 2

Sexual exploitation takes the form of, but is not limited to :

a) The denial of life through female infanticide, and the murder of women by reasons of their gender, including wife and widow murder.

b) Subjection to cruel , inhuman and degrading treatment through the following: battering, pornography, prostitution, genital mutilation, female seclusion, dowry and bride price, sexual harassment, rape, incest and sexual abuse.

c) Subjection to sexual abuse and torture , including sadistic, mutilating practices.

Article 3

The following shall apply throughout this Convention :

a) Rape is sexual intercourse without the free and full consent of the parties.

b) Sexual harassment is the imposition of any unwelcome sexual acts, speech or materials.

c) Prostitution is the use of a woman's body as a commodity to be bought, sold, exchanged not always for money. The exploitation of women in systems of prostitution includes casual prostitution, brothels, military prostitution, pornography, sex tourism, mail-order bride markets. Sexual exploitation is organized within a regional, national and international traffic.

d) Everything that is herein said about sexual exploitation applies to men and boys because in situations of sexual exploitation, men and boys are treated like women.

PART II
SEXUAL EXPLOITATION

Article 4

States Parties condemn sexual exploitation of women and children in all of its forms and agree to formulate policies and practices affecting society to insure freedom from sexual exploitation by protecting control of one's body, sexual integrity, and sexual autonomy.

a) States Parties recognize that some groups of women are rendered particularly vulnerable to sexual exploitation,such as: minority and indigenous women,rural women and women in the migrating process, elderly women, women with disabilities that are physical, mental (including learning disabilities and mental retardation), and disabilities caused by substance abuse.

b) States Parties shall recognize that women are rendered particularly vulnerable to sexual exploitation by conditions, such as armed conflict, natural catastrophe, poverty, incarceration (including political prisoners and women in immigration detention centers), family (childhood sexual abuse, forced marriage), homelessness and refugee status.

Article 5

States Parties shall punish perpetrators of sexual exploitation and redress the wrongs done to their victims by developing penal, civil, labor and administrative sanctions. In the formulation and/or application of statutory, common, and customary law:

a) Women's prior sexual history cannot be used against her in any legal action,

b) Honor shall not be used to justify or defend against any act of sexual exploitation or violence against women,

c) It is an aggravating circumstance and not a defense of sexual exploitation that the perpetrator is the husband, father, other relative, or employer of the victim.

Article 6

States Parties reject any policy or law that legitimates prostitution of any person, male or female, adult or child, western or third world; that distinguishes between forced and free prostitution including promotion of the "right prostitute"; or that legalizes or regulates prostitution in any way as a profession or occupation, and agree to adopt appropriate legislation that recognizes prostitution as an acute form of sexual exploitation, including the following,

a) Punishment of any person who procures, entices, or leads away for the purposes of prostitution, another person, even with the consent of that person; exploits the prostitution of another person, even with the consent of that person; keeps or manages, or knowingly finances or takes part in the financing of a brothel; knowingly rents or lets a building or other place thereof for the purpose of the prostitution of others.

b) Penalization of the customers, recognizing them as perpetrators to be criminalized while rejecting any form of penalization of the prostitute.

c) Holding liable the producers and distributors of pornography, recognizing that the pornography industry enlarges the demand for, promotes, and is actively engaged in sexual exploitation.

PART III
GLOBAL SITUATIONS OF SEXUAL EXPLOITATION

Article 7

States Parties agree:

a) To reject State economic development policies and practices which channel women into conditions of sexual exploitation,

b) To insure that State policies and practices provide for the full economic development of women through their integration in dignified paid labor at a decent standard of living from which they have been deprived.

c) Adopt legislative and other measures to prohibit sex tourism and to penalize those who organize tourism for the purpose of sexual exploitation (sex tourism), penalizing the organization of it as a practices of procuring and promoting prostitution. Such measures shall be adopted and implemented in both the countries from which the customers come and the countries to which they go.

Article 8

States Parties shall recognize that there are certain types of work in the immigration process, such as domestic labor and entertainment, that are conducive to sexual exploitation and may lead to prostitution. States Parties shall take all appropriate measures to provide victims of sexual exploitation, prostitution, and the traffic in women with

a) Refuge, refugee status and protection, and repatriation of those who desire to be repatriated, whether victims of sexual exploitation have entered a country legally or illegally,

b) Protection to insure that valid written contracts of employment are entered into, provide for the monitoring of the provisions of the contract and protect the migrant worker from sexual exploitation and abuse in the host country,

c) The right to retain one's own passport and travel documents so that no person can be sold into prostitution or for sexual favours by any other person.

Article 9

States Parties shall insure that:

a) All employers who sexually exploit or abuse migrant workers are held criminally liable,

b) Persons or enterprises will be prohibited from promoting, profiting from, or engaging in any business involving the matching of women in marriage to foreign nationals on a mail-order basis, i.e., mail-order bride selling.

c) Under no circumstances can States construe this article to prevent women from migrating or traveling abroad.

d) Prohibit their military personnel, whether in foreign territory or in their own countries, from engaging in prostitution of women and children.

Article 10

States Parties shall adopt special provisions to prevent the sexual exploitation of women during all wartime conditions including those of ethnic conflict, civil war, and foreign intervention, and to protect the vulnerability of women and children to sexual exploitation in refugee camps. States Parties recognize the necessity for a special observer to monitor violations of human rights in the area of sexual exploitation and the trafficking of persons.

PART IV
SUPPORT SERVICES

Article 11

States Parties agree to take appropriate measures to provide

a) Restitution to victims of sexual exploitation, and to insure that their report of sexual exploitation receives a fair hearing,

b) Women with educational programs and work in order to increase women's economic opportunities, and enhance women's worth and status, thereby diminishing the necessity for women to turn to prostitution.

Article 12

States Parties shall create and establish services for victims of sexual exploitation, including prostitution such as shelters and other social service, to provide specialized health services, and to fund centers for prostitution alternatives that are voluntary and confidential that would provide the following :

1) Prevention, treatment of any testing for STDs and HIV

2) Substance abuse rehabilitation programs

3) Training of medical staff to recognize sexual exploitation including rape and prostitution, give appropriate treatment and make referrals to appropriate services as well as to gather medical evidence for prosecution of crimes of sexual exploitation

4) Counseling and education services

5) Day care and housing assistance

6) Income support

7) Preferential access to credit and loans to begin small scale business

8) Skills training programs

PART III
PROCEDURAL MEASURES

Article 13

States Parties undertake to make the principles and provisions of the Convention widely known by appropriate and active means to adults and children alike.

Article 14

a) For the purpose of examining the progress made by the States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Elimination of Sexual Exploitation which shall carry out the functions herein provided. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

b) The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its nationals.

c) Elections of the members of the Committee shall be held at biennial meetings of States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two-thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

d) The initial election shall be held no later than six months after the date of the entry into force of this Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

e) The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the chairman of the meeting referred to in paragraph 3 of this article.

f) If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the State Party which nominated him shall appoint another expert from among its nationals to serve for the remainder of his term, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.

g) States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 15

a) The Committee shall elect its officers for a term of two years. They may be re-elected.

b) The Committee shall establish its own rules of procedure , but these rules shall provide, inter alia,that:

1) Six members shall constitute a quorum;

2) Decisions of the Committee shall be made by a majority vote of the members present.

c) The Secretary -General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Convention.

d) The Secretary-General of the United Nations shall convene the initial meeting of the Committee. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

e) The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 3 of this article.

Article 16

a) The States Parties shall submit to the Committee,through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.

b) The Secretary-General of the United Nations shall transmit the reports to all States Parties.

c) Each report shall be considered by the Committee which may make such general comments on the report as it may consider appropriate and shall forward these to the State Party concerned. That State Party may respond with any observations it chooses to the Committee.

d) The Committee may, at its discretion, decide to include any comments made by it in accordance with paragraph 3 of this article, together with the observations thereon received from the State Party concerned, in its annual report made in accordance with article ___ . If so requested by the State Party concerned, the Committee also may include a copy of the report submitted under paragraph 1 of this article.

Article 17

a) If the Committee receives reliable information which appears to it to contain well-founded indications that sexual exploitation as defined above is being systematically practiced in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.

b) Taking into account any observations which may have been submitted by the State Party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.

c) If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the co-operation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.

d) After examining the findings of its member or members submitted in accordance with paragraph 2 of this article, the Committee shall transmit these finding to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.

e) All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential, and at all stages of the proceedings the co-operation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with Article ___.

Article 18

a) A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention. Such communications may be received and considered according to the procedures laid down in this article only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be dealt with by the Committee under this article if it concerns a State

Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

1) If a State Party considers that another State Party is not giving effect to the provision of this Convention, it may, by written communication, bring the matter to the attention of the State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;

2) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the committee and to the other State;

3) The Committee shall deal with a matter referred to it under this article only after it has ascertained that all domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention;

4) The Committee shall hold closed meetings when examining communications under this article;

5) Subject to the provisions of subparagraph (c), the Committees shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for the obligations provided for in this Convention. For this purpose, the Committee may, when appropriate, set up an ad hoc conciliation commission;

6) In any matter referred to it under this article, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

7) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;

8) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraphs (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

b) The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary- General, unless the State Party concerned has made a new declaration.

Article 19

a) A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

b) The Committee shall consider inadmissible any communication under this article which is anonymous or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of this Convention.

c) Subject to the provisions of paragraph 2, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to this Convention which has made a declaration under paragraph 1 and is alleged to be violating any provisions of the Convention. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

d) The Committee shall consider communications received under this article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.

e) The Committee shall not consider any communications from an individual under this article unless it has ascertained that:

1) The same matter has not been, and is not being, examined under another procedure of international investigation or settlement;

2) The individual has exhausted all available domestic remedies; this shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention.

f) The Committee shall hold closed meetings when examining communications under this article.

g) The Committee shall forward its views to the State Party concerned and to the individual.

h) The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by or on behalf of an individual shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party has made a new declaration.

Article 20

The members of the Committee and of the ad hoc conciliation commissions which may be appointed under article ___, paragraph 1 (e), shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 21

The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.

Article 22

1) This Convention is open for signature by all States.

2) This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary- General of the United Nations.

Article 23

This Convention is open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary- General of the United Nations.

Article 24

1) This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary- General of the United Nations of the twentieth instruments of ratification or accession.

2) For each State ratifying this Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 25

1) Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for an Article___.

2) Any State Party having made a reservation in accordance with paragraph 1 of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 26

1) Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties with a request that they notify him whether they favor a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one- third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary General to all the States Parties for acceptance.

2) An amendment adopted in accordance with paragraph 1 of this article shall enter into force when two-thirds of the States Parties to this Convention have notified the Secretary-General of the United Nations that they have accepted it in accordance with their respective constitutional processes.

3) When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.

Article 27

1) Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2) Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party having made such a reservation.

3) Any State Party having made a reservation in accordance with paragraph 2 of this article may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 28

1) A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

2) Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Convention in regard to any act or omission which occurs prior to the date at which the denunciation becomes effective nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.

3) Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

Article 29

The Secretary-General of the United Nations shall inform all States Members of the United Nations and all States which have signed this Convention or acceded to it of the following :

a) Signatures, ratifications and accessions under articles ___ and ___.

b) The date of entry into force of this Convention under article___ and the date of the entry into force of any amendments under article ___.

c) Denunciations under article ___.

Article 30

1) This Convention, of which the Arabic, Chinese, English, French, Russian, and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

2) The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.